

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

MICHAEL BIES,

Petitioner,

vs.

MARGARET BAGLEY, Warden,

Respondent.

Case Number: C-1-00-682

District Judge Susan J. Dlott

Chief Magistrate Judge Michael Merz

DESIGNATION OF RECORD ON APPEAL

Pursuant to Rule 11 of the Federal Rules of Appellate Procedure, Respondent respectfully requests the Clerk of the Court to prepare, assemble and timely transmit the Record on Appeal to the United States Court of Appeals for the Sixth Circuit. Such Record on Appeal shall include the following materials:

1. Petition and Amended Petitions for Writ of Habeas Corpus;
2. Respondent's Return of Writ and appendix;
3. Petitioner's Traverse;
4. 9 Volumes of Additional State Court Pleadings filed on July 14, 2005;
5. Any and all pleadings relating to the Nineteenth Claim for Relief;
6. Both parties Briefs on the Motion to Bifurcate;

7. All Opinions and Orders filed by the District Court; and
8. The State Court transcript of proceedings in *State v. Bies*, Case No. B-925607 (Hamilton County Common Pleas).

Wherefore, Respondent respectfully requests that the Clerk timely compile and transmit the Record on Appeal to the United States Court of Appeals for the Sixth Circuit.

Respectfully submitted,

JIM PETRO
Ohio Attorney General

s/ Carol A. Ellensohn

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CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing, Respondent's Notice of Appeal, was sent via regular U.S. mail to Counsel for Petitioner: S. Scott Haynes, Hallowes, Allen and Haynes, 6445 East Livingston Avenue, Reynoldsburg, Ohio, 43068 and Randall Porter, Ohio Public Defender's Office, 8 East Long Street, Columbus, Ohio 43215, on this **21st** day of **March, 2006**.

s/ Carol A. Ellensohn

CAROL A. ELLENSOHN (0074598)

Assistant Attorney General